

REMARKS

Claims 38, 42, and 48-53 are amended. Claims 56-58 are added. Claims 38-44 and 48-58 are in the application for consideration.

The specification is amended to correct a typographical error. Entry of same is requested.

Claims 49-53 are amended to insert preferred and more grammatically correct hyphenation.

Claim 38 stands rejected as being anticipated by U.S. Patent No. 5,770,499 to Kwok et al. Applicant disagrees.

Applicant's independent claim 38 recites that the memory cell storage capacitors respectively comprise a storage node container which is received partially within the insulative layer through the well base over the word lines. No such structure is shown in Kwok et al. Specifically, an outermost surface of Kwok et al.'s material 110 might be considered equivalent to Applicant's claim-recited "well base". However, no portion of Kwok et al's storage node containers 136 are received partially within an insulative layer 110 or 170 through a well base defined by an outer surface of material 110. Accordingly, Kwok et al. does not disclose this feature of Applicant's independent claim 38, and the anticipation rejection of claim 38 should be withdrawn. Action to that end is requested.

Independent claim 42 is amended to recite that an oxygen diffusion barrier layer is received over the well base. Such claim is further amended to recite that the memory cell storage capacitors respectively comprise a

storage node container which is received within the insulative layer through the oxygen diffusion barrier layer and through the well base. As asserted above, Kwok et al. does not disclose storage node containers received within the insulative layer through the well base. Further, Kwok et al. does not disclose an oxygen diffusion barrier layer received over the well base, and wherein the storage node container is received through the oxygen diffusion barrier layer. Kwok et al.'s capacitor dielectric layer 120 is not the equivalent of Applicant's claim 42-recited oxygen diffusion barrier layer as no storage node container is received therethrough or through a well base in Kwok et al.

Regarding the cited Tu patent, it is respectfully asserted that there is no equivalent structure in Tu corresponding to Applicant's claim 42-recited well base. Even to any extent with the Examiner might assert that Tu does disclose some equivalent to Applicant's recited well base, such would have to be defined by an outermost surface of Tu's material 10, and neither of Tu's capacitor electrode 17b/18 is received through the outer surface of material 10 into material 10. Accordingly, Tu et al is lacking in this regard with respect to Applicant's independent claim 42.

As neither reference discloses these facets of Applicant's independent claim 42, a combination of such references does not render Applicant's amended claim 42 obvious. The anticipation rejection of claim 42 should be withdrawn, and claim 42 should be allowed. Action to that end is requested.

Applicant's dependent claims should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art. For example with respect to claim 40, such recites that the capacitor storage node electrodes have topmost surfaces received elevationally above the substantially planar outermost surface of the insulative layer by less than 50 Angstroms. The Examiner asserts that Tu does not expressly disclose that its layer 18 is entirely swept clean from the surface of the insulating layer. The Examiner is simply wrong, as that is exactly what Tu discloses. Specifically, Fig. 5 clearly shows all of material 18 having been removed prior to deposition of a silicon dioxide layer 19 thereover. Further, col.4, Ins.56-63 indeed talks about removing the regions of the HSG and polysilicon residing on the top surfaces of BPSG layer 14. Accordingly, the Examiner's conclusion is exactly contrary to what Tu specifically teaches.

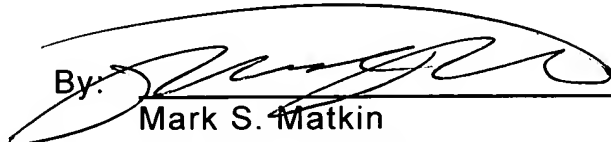
Further, one would not expect that removal of layer 18 would leave behind a small residual layer on the order of 5 Angstroms or less. Indeed, the likely disclosed polishing will remove some of material 14 which cannot occur until all of material 18 thereover has been polished away! The undersigned hereby seasonably challenges the Examiner to produce a prior art reference in support of the Examiner's allegedly notorious conclusion as to what a person of prior art would conclude with respect to the Examiner's assertion. It is not seen how such prior art could even exist, as such would contradict the explicit teaching of Tu in its drawings and specification. For

at least these reasons, Applicant's dependent claim 40 should be allowed on its own merit, and action to that end is requested.

This application is believed to be in immediate condition for allowance.

Respectfully submitted,

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